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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,887	11/27/2001	Jax B. Cowden	10005.000100	7695
31894	7590	06/15/2005	EXAMINER	
OKAMOTO & BENEDICTO, LLP P.O. BOX 641330 SAN JOSE, CA 95164			TRUONG, THANHNGA B	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,887

Applicant(s)

COWDEN ET AL.

Examiner

Thanhnga B. Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/30/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment filed on March 30, 2005 has been entered. Claims 1-30 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monnes et al (US 6,459, 440 B1), and further in view of Humes (US 5,996,011).

a. Referring to claim 1:

i. Monnes teaches:

(1) detecting the launching of a new window; consulting a changeable set of criteria to determine if the window is of a certain type; allowing the window to be displayed if the window is of a first type; and preventing the window from being displayed if the window is of a second type and not of the first type **[i.e., the display 14 further includes a pop-up window 10 for visual notification to the end user when an event, such as an incoming message, an alarm clock reminder, a calendar appointment, a low battery warning, a low memory warning or a printer error, has occurred. The pop-up window 10 may be a full screen or a portion of the screen and represents a bordered region, typically of rectangular shape into which a message is displayed. The pop-up window 10 typically has recognizable decorative elements that set it apart from other similar display elements. The pop-up window consists of several parts. It has a text portion 19 that provides the user with information such as what the event was, what the event means, and what to do about the event. It also has a choice portion 21, which provides the user with options for responding to or acknowledging the pop-up window 10. Lastly, the pop-up window 10 has a graphics portion 23 that provides a quick**

visual of basic information about the first application 20, the urgency, or the type of event that generated the pop-up window 10 (column 2, lines 51-67 through column 3, lines 1-10). Furthermore, referring to Figure 5, the display controller 40 preferably sends the command 24 to the display 14 to generate a visual notification in response to a first input 52 from the first application 20. When the display 14 receives the command 24 from the display controller 40 in response to the first input 52, a first pop-up window 44 is displayed (column 8, lines 1-39)].

ii. Although Monnes does not clearly or explicitly distinguish the process for allowing and/or preventing the types of pop-up windows, Humes teaches:

(1) The flowchart in Figure 2 shows the broad steps of filtering a requested web page URL, header, and body in accordance with one embodiment of the method of the present invention. The method begins at terminal block 210 and continues to block 212 where the user selected URL is input. The URL request is filtered at decision block 214 and the filter decision is "yes" if the request is denied based on the URL and "no" if the request is not denied at this point. If decision block 214 returns a "yes," block 216 shows that a page indicating access is forbidden ("FORBIDDEN" page) is to be returned, which page will be output to the client computer. If decision block 214 returns a "no," the HTTP header is input at block 218 and filtered at decision block 220. If decision block 220 returns a "yes," block 222 shows that the "FORBIDDEN" page is to be returned and if decision block 220 returns a "no," the first portion of the body of the web page is input at block 224 **(column 5, lines 3-19 and column 6, lines 28-67 through column 7, lines 1-8).**

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) specify and/or include the process for allowing and/or preventing the types of pop-up windows as shown in Figure 5 of Monnes since children can be exposed to a vast number of educational and entertaining web pages, many other web pages include adult content which is not appropriate for access by children **(column 1, lines 56-60 of Humes).**

iv. The ordinary skilled person would have been motivated to:

(1) specify and/or include the process for allowing and/or preventing the types of pop-up windows as shown in Figure 5 of Monnes for filtering data received by a computer system and, in particular, to a computer based system and method for filtering text data from World Wide Web pages received by a computer system connected to the Internet (**column 1, lines 8-12 of Humes**).

b. Referring to claim 2:

i. Monnes further teaches:

(1) wherein the set of criteria includes a set of rules [i.e., **referring to Figure 1, application manager is programmed to send command 24 to the display, for example, to delete the obsolete portion of the pop-up window 10 in response to the input 26 (column 4, lines 11-14)]**].

c. Referring to claim 3:

i. This claim has limitations that is similar to those of claim 2,

thus it is rejected with the same rationale applied against claim 2 above.

d. Referring to claims 4-11:

i. Monnes further teaches:

(1) wherein the second type includes a pop-up window; a pop-under window; a window that does not have a menu bar; a window that does not have a tool bar; a window launched when a web site is exited; a window navigating to an About:Blank; a window launched within a short period of time after a user navigates to another web page; a window launched by another window that is to be closed [i.e., **Figure 7 is a flowchart of the operation of the electronic device 12 in accordance with the present invention. The process begins with Step 66, in which the first pop-up window 44 is displayed on the display 14. Next, in Step 68, the second pop-up window 46 is displayed on the display 14. The second pop-up window 46 preferably overlaps the first pop-up window 44 such that either a portion or the entire first pop-up window 44 is hidden from viewing by the end user. The system, for example the display controller 40, next, in Step 70, queries for the user input 22 in response to the second pop-up window 46. In Step 60, if the user input 22 is detected in response to the second pop-up window 46, the response**

30 is generated. In Step 62, if no user input 22 has been detected for the second pop-up window 46, the system, for example the display controller 40, queries for detection of an event. If no event is detected, the process returns to Step 70 looking for the user input 22 for the second pop-up window 46. In Step 72, if an event is detected, the first pop-up window 44 is deleted (column 9, lines 25-43)].

e. Referring to claims 12-21:

i. These claims have limitations that is similar to those of claims 4-11, thus they are rejected with the same rationale applied against claims 4-11 above.

f. Referring to claims 22, 26-30:

i. These claims have limitations that is similar to those of claims 1-3, thus they are rejected with the same rationale applied against claims 1-3 above.

g. Referring to claim 23:

i. Humes further teaches:

(1) wherein the exclusion list may be updated by downloading a new set of domain names from a server computer [i.e., referring to Figure 1, a proxy/cache server computer 110 is connected to the Internet and is capable of receiving HTTP information over the World Wide Web. A client computer 120 (user's computer) is connected to the server computer 110, typically via an ethernet or modem connection. In accordance with Humes' invention, server computer 110 runs a computer program 112 which programs the server computer 110 to filter any request it receives for a web page from the client computer 120 and to output to the client computer 120 only those web pages, or portions of web pages, which are deemed appropriate for viewing by the user of the client computer 120 (column 4, lines 47-58)].

h. Referring to claims 24-25:

i. These claims have limitations that is similar to those of claim 23, thus they are rejected with the same rationale applied against claim 23 above.

Response to Argument

4. Applicant's arguments filed February 23, 2004 have been fully considered but they are not persuasive.

Applicant argues that:

Monnes does not disclose or suggest detecting the launching of a new window and preventing the window from being displayed as recited in claim 1. Nothing in Monnes detects for the launching of a new window because windows are not prevented from being displayed in Mormes.

Examiner totally disagrees with the applicant and still strongly maintains that:

The combination of Monnes and Humes teach the claimed subject matter. In fact, Figure 6 is clearly pointed out by Monnes for detecting and preventing the window being displayed if the event is being detected (emphasis added). The pop-up window with the event being detected does not have any chance to even being display since it gets deleted (column 9, lines 13-25 of Monnes). Monnes clearly allows the windows to be displayed (**which is one of the limitations that claim 1 recites by the applicant**) when the event **does not** detect (emphasis added). Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Examiner believes that the combination of Monnes and Humes are sufficient.

Applicant further argues that:

Humes does not disclose an exclusion list (that according to claim 22 includes a set of domain names where blocking of windows is disabled) that is updateable by downloading.

Examiner again disagrees with the applicant and still maintains that:

Humes does teach the claimed subject matter. In accordance with Humes' invention, server computer 110 runs a computer program 112 which programs

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the server computer 110 to filter any request (that is including exclusion list) it receives for a web page from the client computer 120 and to output to the client computer 120 only those web pages, or portions of web pages, which are deemed appropriate for viewing by the user of the client computer 120 (column 4, lines 47-58).

Besides, Monnes and Humes do not need to disclose anything over and above the invention as claimed in order to render it unpatentable or anticipate. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claimed limitations.

For the above reasons, it is believed that the rejections should be sustained.

Conclusion

5. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

TBT

June 8, 2005

AS
Primary Examiner
Art Unit 2135